



U.S. DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
Pacific Islands Regional Office
1845 Wasp Blvd., Bldg 176
Honolulu, Hawaii 96818
(808) 725-5000 • Fax: (808) 725-5215

FEB 24 2016

Ms. Lola Leon Guerrero, Acting Administrator
Guam Coastal Management Program
Bureau of Statistics & Plans
PO Box 2950
Hagatna, GU 96932

Dear Ms. Guerrero:

SUBJECT: Federal Consistency Determination; Proposed Rule for Western and Central Pacific Fisheries for Highly Migratory Species; Purse Seine Observer Requirements, and Fishing Restrictions and Limits in Purse Seine and Longline Fisheries for 2016-2017 (RIN 0648-BF76)

The National Marine Fisheries Service (NMFS) proposes to issue a rule to carry out the obligations of the United States under the Convention on the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean. The proposed rule would: (1) require that U.S. purse seine vessels carry observers on fishing trips in the western and central Pacific Ocean (WCPO); (2) establish restrictions in 2016 and 2017 on the use of fish aggregating devices by U.S. purse seine vessels in the WCPO; and (3) establish limits in 2016 and 2017 on the amount of bigeye tuna that may be captured by U.S. longline vessels in the WCPO.

Pursuant to the Coastal Zone Management Act of 1972, as amended (CZMA; 16 U.S.C. 1451 *et seq.*), and the National Oceanic and Atmospheric Administration's regulations implementing the federal consistency requirements of the CZMA at 15 CFR Part 930, NMFS has determined that the rule is consistent to the maximum extent practicable with the enforceable policies of Guam's Coastal Zone Management Program.

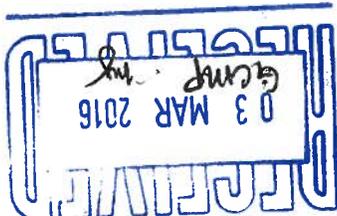
Enclosed is a consistency determination that includes the information required by 15 CFR 930.39. I am writing to request your concurrence with our determination. Please contact Tom Graham of my staff (808-725-5032) if you need any additional information.

Sincerely,

Michael D. Tosatto
Regional Administrator



Enclosure



Rec'd 3/1/16



Coastal Zone Management Act Federal Consistency Determination

Agency: National Marine Fisheries Service (NMFS)

Relevant Authorities: The Coastal Zone Management Act of 1972, as amended (CZMA; 16 U.S.C. 1451 et seq.); CZMA Federal Consistency Regulations (15 CFR Part 930)

Determination: Consistent to the maximum extent practicable with the enforceable policies of Guam's Coastal Zone Management Program

Description of proposed activity: NMFS proposes to issue a rule to carry out the obligations of the United States under the Convention on the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean ("Convention"). The rule would be issued under the authority of the Western and Central Pacific Fisheries Convention Implementation Act (WCPFC Implementation Act; 16 U.S.C. 6901 *et seq.*).

The Convention governs fisheries for highly migratory species (HMS). The area of application of the Convention is roughly the entire western and central Pacific Ocean (WCPO).¹ As a Contracting Party to the Convention, the United States is a member of the Commission for the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean ("Commission"). The Commission is the body charged with making the decisions needed to implement the provisions of the Convention.

The proposed rule would: (1) require that U.S. purse seine vessels carry observers on fishing trips in the western and central Pacific Ocean (WCPO); (2) establish restrictions in 2016 and 2017 on the use of fish aggregating devices (FADs) by U.S. purse seine vessels in the WCPO; and (3) establish limits in 2016 and 2017 on the amount of bigeye tuna that may be captured by U.S. longline vessels in the WCPO.

1. Purse seine observer requirements. U.S. purse seine vessels have been required to carry WCPFC observers on virtually all fishing trips in the area of application of the Convention (Convention Area), between the latitudes of 20° N. and 20° S., since 2010. This proposed rule would continue that requirement. The only exception would be for fishing trips that occur entirely in waters under the jurisdiction of a single nation other than the United States. Any such fishing trips would be expected to occur in the waters of other Commission members that would also require that an observer be carried.

2. Purse seine FAD restrictions for 2016-2017. The proposed purse seine FAD restrictions would apply in the Convention Area between the latitudes of 20° N. and 20° S. They would include: (1) a seasonal prohibition on FAD-related fishing (or "FAD prohibition period") from July through September of each of 2016 and 2017; (2) an additional one-month FAD prohibition period in October in each of 2016 and 2017, or a roughly equivalent limit on the number of sets that may be made on FADs in each of those years; and (3) a prohibition on FAD-related fishing

¹ The boundaries of the Convention Area are provided in the Convention, which is available, along with a map of the Convention Area, at <http://www.wcpfc.int/key-documents/convention-text>

on the high seas in 2017. The main expected direct effect of these requirements would be fewer FAD sets and more free-school, or “unassociated,” sets in those periods and areas than would otherwise occur. These requirements are substantially the same as requirements that were put in place for 2015.

3. Longline bigeye tuna catch limits for 2016-2017. The proposed longline catch limits would apply throughout the Convention Area. They would include bigeye tuna catch limits for 2016 and 2017, set at 3,554 metric tons (mt) and 3,345 mt, respectively, or slightly less if needed to offset a catch overage in the year just prior to a given limit-year. The main expected direct effect of these limits would be less U.S. longline fishing effort and less bigeye tuna and other species caught by the fishery in the WCPO, and possibly more fishing effort and catch of those species in the eastern Pacific Ocean than would otherwise occur. In 2015, a 3,502 mt bigeye tuna catch limit was put in place for the U.S. longline fishery in the Convention Area.

Expected coastal effects: The proposed requirement for U.S. purse seine vessels to carry observers on fishing trips in the Convention Area is not expected to have any effect on the fishing patterns or practices of the fishing vessels, and no coastal effects are expected.

The U.S. WCPO purse seine fishery operates exclusively in the tropics, generally within 10° of the equator, and the U.S. WCPO longline fishery operates far from Guam. Therefore, no direct effects in Guam’s coastal zone management area would be expected from the proposed action.

However, the proposed action—including both the purse seine and longline elements—might have indirect effects on WCPO stocks of the target species in the purse seine and longline fisheries, skipjack tuna, yellowfin tuna, and bigeye tuna, as well as on stocks of fish and non-fish species caught incidentally in the two fisheries. Overall, the possible reduction in longline fishing effort could cause a reduction in the fishing mortality rates of these stocks and consequent increases in the stocks’ sizes. To the extent the stocks occur in Guam’s coastal zone, this could conceivably lead to greater abundance of these stocks in Guam’s coastal zone. The FAD restrictions and consequent shift to unassociated sets similarly would be expected to decrease the fishing mortality rates of WCPO bigeye tuna and stocks of non-target species. However, with respect to yellowfin tuna and skipjack tuna, which are caught in substantial amounts in both FAD sets and unassociated sets, the effects of the FAD restrictions are less straightforward. The WCPO stock of yellowfin tuna is expected to be relatively insensitive to a shift to unassociated sets, but recent studies indicate that the stock would be more likely to increase in size than decrease. The effects of the FAD restrictions for WCPO skipjack tuna are not known, so it is conceivable that they could counter those of any decrease in purse seine fishing effort.

In any case, because any effects of the action on fishing mortality rates would be small compared to the stocks’ total fishing mortality rates, and because the proposed action would be limited to 2016-2017, any effects on stocks sizes and abundance in Guam’s coastal zone would be small. If similar restrictions are implemented in the future, and if other member nations of the Commission impose similar restrictions in their purse seine and longline fisheries, there could be greater effects on the sizes of WCPO stocks. To the extent the stocks occur in Guam’s coastal

zone, similar effects on the abundance of the affected species in Guam's coastal zone could occur.

Consistency evaluation: The policies and objectives of Guam's Coastal Zone Management Program, as set forth in Guam Land-Use Policies, Exec. Order 78-37 (Nov. 15, 1978), promote the sustainable development and use of marine and coastal resources. As discussed above, the activity proposed by NMFS would not cause any direct effects to Guam's coastal zone management area. The underlying objective of the proposed activity is to conserve WCPO stocks of three tropical tuna species. It would be implemented as part of an international agreement that all the fishing and coastal nations that are parties to the Commission are obligated to implement. That objective, as well as the small expected reductions in fishing mortality of stocks exploited in the U.S. purse seine and longline fisheries, is in line with the policies and objectives of Guam's Coastal Zone Management Program, particularly those related to the management of marine resources. Thus, NMFS has determined that the proposed activity would be consistent to the maximum extent practicable with the enforceable policies and objectives of Guam's Coastal Zone Management Program.
